

**Poynton, Joan A - New Wales**

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**From:** Poynton, Joan A - New Wales  
**Sent:** Friday, June 05, 2009 3:38 PM  
**To:** 'Syed.Arif@dep.state.fl.us'  
**Cc:** 'cindy.zhang-torres@dep.state.fl.us'; Turley, Charles D - New Wales  
**Subject:** Mosaic New Wales BART Exemption - Notice of Intent to Issue Permit  
**Attachments:** NW\_AffPub\_BART exemption\_060509.pdf

Mr. Arif and Ms. Zhang-Torres:

I'm the Admin Assistant for the Environmental Department at Mosaic New Wales. Today I composed a cover letter for the Affidavit of Publication from The Lakeland Ledger for the Notice of Intent to Issue Air Permit for our New Wales Plant. The problem is that I mistakenly put "DAP 1" in the letter, and it shouldn't have been there.

The letters have gone out in today's mail. I've redone the cover letter and Mr. Fuchs has signed it. I'll mail it today on the way home. On Monday, you'll have 2 letters from us – only the referenced BART one will be correct.

(Mr. Arif will have the original Affidavit enclosed with the incorrect letter.) Attached you will find a scanned copy of the corrected letter and Affidavit.

Please accept my apologies for the mix up. If you have any questions at all, please call me at 863.844.5160.

Thank you,

Joan Poynton

**RECEIVED**  
JUN 09 2009  
BUREAU OF AIR REGULATION



Mosaic Fertilizer, LLC  
P.O. Box 2000  
Mulberry, FL 33860

Certified Mail 7006 2760 0004 9937 9993  
Return Receipt Requested

June 5, 2009

Mr. Syed Arif, P.E.  
New Source Review Section  
Florida Department of Environmental Protection  
Bureau of Air Regulation  
2600 Blair Stone Road, MS 5505  
Tallahassee, Florida 32399-2400

RECEIVED

JUN 09 2009

**RE: Mosaic Fertilizer, LLC - New Wales Facility**  
**BART Exemption Permit**  
**Permit No. 1050059-061-AC**

BUREAU OF AIR REGULATION

Dear Mr. Arif:

Per Section 403.815, Florida Statutes and DEP Rule 62-110.106(5), FAC, please find enclosed the original Affidavit of Publication from The Lakeland Ledger regarding the Notice of Intent to Issue Air Permit for our New Wales Plant.

If you have any questions, please do not hesitate to call Dave Turley at 863.844.5201, or Rama Iyer at 863.428.6526.

Sincerely,

T. W. Fuchs  
Plant Manager

TWF:jp\NW\_arif\_AffPub\_Intent to Issue Air Permit\_BART\_060409  
enclosure

C: C. Zhang-Torres, FDEP Tampa  
D. B. Jellerson  
C. D. Turley  
R. Iyer  
J. D. Ahrens  
D. Buff, Golder Associates  
D. M. Jagiella

# AFFIDAVIT OF PUBLICATION

## THE LEDGER

### Lakeland, Polk County, Florida

STATE OF FLORIDA)  
COUNTY OF POLK)

Before the undersigned authority personally appeared Maria Iannucci, who on oath says that she is the Inside Classified Team Leader of The Ledger, a daily newspaper published at Lakeland in Polk County, Florida; that the attached copy of advertisement, being a

**Public Notice of Intent**

in the matter of **Permit No 1050059-061-AC**

Concerning **Mosaic Fertilizer, LLC- New Wales Facility**

was published in said newspaper in the issues of **6-2; 2009**

Affiant further says that said The Ledger is a newspaper published at Lakeland, in said Polk County, Florida, and that the said newspaper has heretofore been continuously published in said Polk County, Florida, daily, and has been entered as second class matter at the post office in Lakeland, in said Polk County, Florida, for a period of one year next preceding the first publication of the attached copy of advertisement; and affiant further says that he has neither paid nor promised any person, firm or corporation any discount, rebate, commission or refund for the purpose of securing this advertisement for publication in the said newspaper.

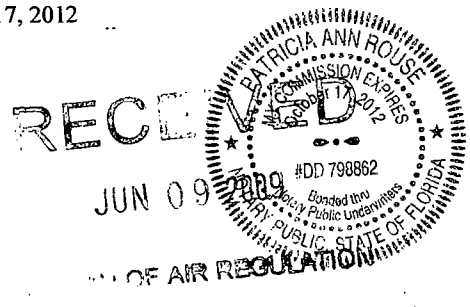
Signed *M Iannucci*  
.....  
Maria Iannucci  
Inside Classified Team Leader  
Who is personally known to me.

Sworn to and subscribed before me this *2nd*  
.....  
day of *June* A.D. 20 *09*

Notary Public *Patricia Ann Rouse*

My Commission Expires October 17, 2012

L060GA1TN D033



**Attach Ad Here**

**PUBLIC NOTICE OF INTENT TO ISSUE AIR PERMIT**

Florida Department of Environmental Protection  
Division of Air Resource Management, Bureau of Air Regulation,  
Draft Air Construction Permit No. 1050059-061-AC  
Mosaic Fertilizer, LLC, New Wales Facility  
Polk County, Florida

**Applicant:** The applicant for this project is Mosaic Fertilizer, LLC. The applicant's authorized representative and mailing address is: Mr. David B. Johnson, Assistant Vice President - Environmental, Mosaic Fertilizer, LLC, Post Office Box 2000, Mulberry, FL 33860.

**Facility and Location:** The applicant, Mosaic Fertilizer, LLC, operates the existing New Wales Facility, which is located in Polk County at 3095 Highway 640, Mulberry, Florida. The New Wales Facility is an existing phosphate fertilizer manufacturing complex.

**Project:** The Department issued (clerked) a "Written Notice of Intent to Issue Air Permit" on November 29, 2007 for an air construction permit for Mosaic's New Wales Best Available Retrofit Technology (BART) determination, Draft Permit No. 1050059-055-AC. Final action has not been taken on this permit due to a petition filed by the applicant, Mosaic Fertilizer, LLC, on December 10, 2007. The Department hereby withdraws the "Written Notice of Intent to Issue Air Permit."

On October 3, 2008, Mosaic Fertilizer, LLC submitted an air construction permit application to escape the requirements of Best Available Retrofit Technology (BART) pursuant to Rule 62-296.340(5)(c), Florida Administrative Code (F.A.C.) for the existing New Wales Facility.

The BART-eligible units at this facility are listed in the draft permit and the Technical Evaluation and Preliminary Determination. The Department of Environmental Protection (Department) reviewed the application and makes a preliminary determination regarding the air pollution controls and measures, emission standards limitations in the draft air construction permit for the facility to escape BART.

The applicant has proposed two emission reduction scenarios A and B for the BART-eligible emissions unit: at the New Wales facility. As part of this application, the applicant performed additional modeling under both scenarios at reduced air pollutant emission levels. The air dispersion modeling at the lower air pollutant leg as brings this facility's visibility impact to below the 0.5 deciview (dv) threshold under both scenarios allowed, the facility to escape a BART determination pursuant to Rule 62-296.340(5)(c), F.A.C. The facility's modeled visibility impact to the nearest Class 1 area (Chassahowitzka National Wilderness Area) under the BART exemption for scenario A is 0.490 dv and under scenario B is 0.496 dv.

In scenario A, Mosaic proposes to: reduce sulfuric acid mist emissions (SAM) from each Sulfuric Acid Plant (SAP) Nos. 1, 2, and 3 from 14.0 to 7.1 lbs/hr; fire only natural gas in Diammonium Phosphate (DAP) plant No. 1 and Animal Feed Ingredient (AFI) plant dryers; shut-down multifos plant kilns A and B; reduce PM emissions from DAP plant No. 1 from 28.6 to 15 lbs/hr; and reduce PM emissions from Monoammonium Phosphate (MAP) plant from 15 to 7 lbs/hr.

In scenario B, Mosaic proposes to: reduce SAP Nos. 1, 2 and 3 production rates from 3,400 tons per day (TPD) of sulfuric acid (H2SO4) to 3,200 TPD of H2SO4; reduce SO2 emissions from reduce SAM emissions from each SAP from 14.0 to 6.7 lbs/hr; reduce NOx emissions from each SAP from 17 to 16 lbs/hr; fire only natural gas in DAP plant No. 1, AFI plant and multifos A and B kilns dryers; reduce PM emissions from multifos A and B kilns dryer from 28.6 to 25 lbs/hr; reduce SO2 emissions from the multifos A kilns dryer from 316 to 25 lbs/hr; reduce PM emissions from DAP plant No. 1 from 28.6 to 15 lbs/hr; and reduce PM emissions from MAP plant from 15 to 7 lbs/hr. The applicant will make a decision to implement scenario A or B no later than January 1, 2010.

**Permitting Authority:** Applications for air construction permits are subject to review in accordance with the provisions of Chapter 403, Florida Statutes (F.S.) and F.A.C. Chapters 62-4, 62-210 and 62-212. The proposed project is not exempt from air permitting requirements and an air permit is required to perform the proposed work. The Bureau of Air Regulation is the Permitting Authority responsible for making a permit determination for this project. The Permitting Authority's physical address is: 111 South Magnolia Drive, Suite #4, Tallahassee, Florida. The Permitting Authority's mailing address is: 2600 Blair Stone Road, MS #5505, Tallahassee, Florida 32399-2400. The Permitting Authority's telephone number is 850/488-0114.

**Project File:** A complete project file is available for public inspection during the normal business hours of 9:00 a.m. to 5:00 p.m., Monday through Friday (except legal holidays), at addresses indicated above for the Permitting Authority. The complete project file includes the Draft Permit, the Technical Evaluation & Preliminary Determination, the application, and the information submitted by the applicant, exclusive of confidential records under Section 403.111, F.S. Interested persons may contact the Permitting Authority's project review engineer for additional information at the address and phone number listed above. In addition, electronic copies of these documents are available on the following web site: <http://www.dep.state.fl.us/air/products/apds/default.asp>.

**Notice of Intent to Issue Air Permit:** The Permitting Authority gives notice of its intent to issue an air permit to the applicant for the project described above. The applicant has provided reasonable assurance that operation of proposed equipment will not adversely impact air quality and that the project will comply with all appropriate provisions of Chapters 62-4, 62-204, 62-210, 62-212, 62-296 and 62-297, F.A.C. The Permitting Authority will issue a Final Permit in accordance with the conditions of the proposed Draft Permit unless a timely petition or an administrative hearing is filed under Sections 120.569 and 120.57, F.S. or unless public comment received in accordance with this notice results in a different decision or a significant change of terms or conditions.

**Comments:** The Permitting Authority will accept written comments concerning the proposed Draft Permit for a period of 14 days from the date of publication of the Public Notice. Written comments must be postmarked by the Permitting Authority by close of business (5:00 p.m.) on or before the end of this 14-day period. If written comments received result in a significant change to the Draft Permit, the Permitting Authority shall revise the Draft Permit and require, if applicable, another Public Notice. All comments filed will be made available for public inspection.

**Petitions:** A person whose substantial interests are affected by the proposed permitting decision may petition for an administrative hearing in accordance with Sections 120.569 and 120.57, F.S. The petition must contain the information set forth below and must be filed with (received by) the Department's Agency Clerk in the Office of General Counsel of the Department of Environmental Protection at 3900 Commonwealth Boulevard, Mail Station #35, Tallahassee, Florida 32399-3000. Petitions filed by any persons other than those entitled to written notice under Section 120.60(3), F.S. must be filed within 14 days of publication of this Public Notice or receipt of a written notice, whichever occurs first. Under Section 120.60(3), F.S., however, any person who asked the Permitting Authority for notice of agency action may file a petition within 14 days of receipt of that notice, regardless of the date of publication. A petitioner shall mail a copy of the petition to the applicant at the address indicated above, at the time of filing. The failure of any person to file a petition within the appropriate time period shall constitute a waiver of that person's right to request an administrative determination (hearing) under Sections 120.569 and 120.57, F.S., or to intervene in this proceeding and participate as a party to it. Any subsequent intervention (in a proceeding initiated by another party) will be only at the approval of the presiding officer upon the filing of a motion in compliance with Rule 28-106.205, F.A.C.

A petition that disputes the material facts on which the Permitting Authority's action is based must contain the following information: (a) The name and address of each agency affected and each agency's file or identification number, if known; (b) The name, address and telephone number of the petitioner; the name address and telephone number of the petitioner's representative, if any, which shall be the address for service purposes during the course of the proceeding; and an explanation of how the petitioner's substantial rights will be affected by the agency determination; (c) A statement of when and how the petitioner received notice of the agency action, or proposed decision; (d) A statement of all disputed issues of material fact. If there are none, the petition must so state; (e) A concise statement of the ultimate facts alleged, including the specific facts the petitioner contends warrant reversal or modification of the agency's proposed action; (f) A statement of the specific rules or statutes the petitioner contends require reversal or modification of the agency's proposed action including an explanation of how the alleged facts relate to the specific rules or statutes; and, (g) A statement of the relief sought by the petitioner, stating precisely the action the petitioner wishes the agency to take with respect to the agency's proposed action. A petition that does not dispute the material facts upon which the Permitting Authority's action is based shall state that no such facts are in dispute and otherwise shall contain the same information as set forth above, as required by Rule 28-106.301, F.A.C.

Because the administrative hearing process is designed to formulate final agency action, the filing of a petition means that the Permitting Authority's final action may be different from the position taken by it in this Public Notice of Intent to Issue Air Permit. Persons whose substantial interests will be affected by any such final decision of the Permitting Authority on the application have the right to petition to become a party to the proceeding, in accordance with the requirements set forth above.

Mediation: Mediation is not available for this proceeding.